

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ORSON SMITH,

Petitioner,

vs.

STATE OF OKLAHOMA,

Respondent.

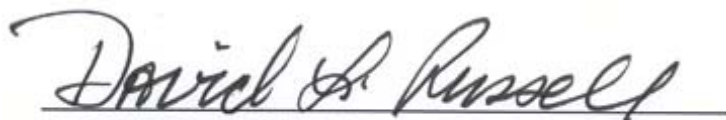
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Case No. CIV-10-879-R

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Doyle W. Argo entered August 30, 2010. Doc. No. 6. No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. Therefore, the Report and Recommendation of the Magistrate Judge is ADOPTED in its entirety and the petition of Orson Smith for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is DISMISSED without prejudice for failure to exhaust state remedies.

IT IS SO ORDERED this 12th day of October, 2010.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE